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Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. No. 441 /2006

APPELLANT
PALINTIFF
APPLICANT

Daulat Singh, aged about 69 years, S/o
Madho Singh, Caste Sikh, R/o Sadar
Bazaar, Raigariha Gali, Champa, Tahsil
Champa, District Janjgir-Champa [C.G.].

VERSUS

RESPONDENTS
DEFENDANTS
NON-APPLICANTS

- 1] Santosh S/o Narayan Prasad
Swarnkar, aged about 34 years,
R/o Champa, Tah. Champa, District
Janjgir-Champa [C.G.].
- 2] Smt. Satwant Kaur, Wd/o
Dharmendra Singh, aged about 36
years, Caste Sikh, R/o Barpali
Chowk, Station Road, Champa,
District Janjgir-Champa [C.G.].
- 3] State of Chhattisgarh, through
Collector, Janjgir-Champa [C.G.].

P.R. No. 2756/05
Presented by Sri. Daulat Singh
dated 21/9/05

APPLICATION UNDER ORDER 44 RULE 1 & 3 OF THE CODE
OF CIVIL PROCEDURE FOR PERMISSION TO PREFER APPEAL
AS AN INDIGENT PERSON.

मामला क्रमांक *M.C.C. 441./2006* सन् 200

7/17

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>26.10.2006</u> Shri Ravindra Agrawal counsel for the applicant. Shri Sudhir Bajpai GA for respondent No.3. This application has been filed under Order 44 Rule 1 and 3 of the Code of Civil Procedure for permission to prefer the instant appeal as an indigent person. The applicant has stated in this application that he is not possessed of sufficient means to enable him to pay the court fee. He was granted legal aid during trial and he was exempted from payment of court fee and since then he has not ceased to be the indigent person. Heard and perused the record of the trial Court. From the record it is evident that the application preferred by the plaintiff under section 35 of the Court Fees Act was allowed and he was exempted from payment of court fee considering that the plaintiff is 70 years old person and his annual income is Rs. 10,000/-. However, the suit was not filed by the plaintiff as indigent person and there is no inquiry conducted by the trial Court in this regard and therefore, the instant application for permission to file appeal as an indigent person cannot be allowed. The application is accordingly dismissed. Learned counsel for the applicant prays for two months' time to pay the court fee. Time as prayed for is granted to do the needful.	Sd/- Dhirendra Mishra Judge

P.T.O.

Per
2/11/06